

REMARKS

This is in response to the Office Action dated September 16, 2004. In the Office Action, claims 1-14 and 19-23 were rejected and claims 15-18 were objected to. With this Amendment, claims 1 and 14 have been amended and the remaining claims are unchanged in the application. The Examiner's indication of allowable subject matter in claims 15-18 is appreciated. Applicants respectfully request reconsideration and allowance of all pending claims 1-23.

In section 2 of the Office Action, claims 1, 3, 5-6, 8-14 and 19-23 were rejected under 35 U.S.C. 102(b) based upon Troy, U.S. Patent No. 5,831,435. In section 18 of the Office Action, claims 2 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Troy in view of Namaky, U.S. Application No. 2004/0054503. In section 21 of the Office Action, claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Troy in view of Bertness, U.S. Patent No. 6,172,505.

Independent claims 1 has been amended only for the purpose of more particularly pointing out and distinctly claiming that which is patentable subject matter of the present invention. Claim 14 has been amended to correct a typographical error in accordance with the Examiner's suggestion in section 1 of the Office Action and therefore the objection to this claim should be withdrawn.

Claim 1 is directed to a cable for use with an electronic battery tester. Claim 1 includes a memory, which is a part of the cable, configured to store digital data. The Office Action suggests that Troy (FIG. 1, elements 60 and 62) shows this element of claim 1. However, in Troy, element 60 is a memory within tester 16 and element 62 appears to be an independent external memory. (See column 3, lines 40-41 of Troy). Neither of these memories (60 and 62) is a part of a cable of the type claimed by claim 1.

Further, claim 1 includes electrical terminals configured to couple the first and second pairs of electrical conductors and the memory to the electronic battery tester. Troy does not teach or suggest this element.

The Namaky and Bertness references, which were also cited in the Office Action, do not teach or suggest the above elements of claim 1. Therefore, claim 1 is patentable and non-obvious over the prior art (Troy, Namaky and Bertness).

Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly from allowable independent claim 1. Further, the dependent claims set forth numerous elements not shown or suggested in the prior art.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-23. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Alan G. Rego  
Alan G. Rego, Reg. No. 45,956  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

AGR:tkj